

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD E. MONTAGUE,

Case No. 2:22-cv-00034-RFB-VCF

Plaintiff,

ORDER

v.

MAINWARNING, et al.,

Defendants.

I. DISCUSSION

On December 22, 2022, the Court issued an order screening Plaintiff's first amended complaint under 28 U.S.C. § 1915A. (ECF No. 13.) The Court allowed Plaintiff's excessive force claim to proceed and dismissed Plaintiff's other claims without prejudice and with leave to file a second amended complaint within 60 days. (*Id.* at 12-13.) Plaintiff has filed a motion requesting an extension to file a second amended complaint. (ECF No. 15.) In his motion, Plaintiff states that he has been denied access to the law library, and that some or all of his legal work may have been destroyed. (*Id.*)

The Court will grant Plaintiff an extension until April 28, 2023, to file a second amended complaint. Barring unusual circumstances, the Court does not anticipate granting another extension. The Court notes that Plaintiff does not need to include any legal arguments in his second amended complaint. Rather, Plaintiff only needs to allege the facts giving rise to his claims. In the Court's screening order, the Court stated the standard for stating various legal claims. Plaintiff should refer to these standards when preparing any second amended complaint. Because Plaintiff's motion references the possible destruction of his legal work, the Court will resend Plaintiff a courtesy copy of its screening order and Plaintiff's first amended complaint.

II. CONCLUSION

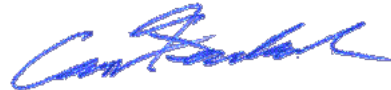
For the foregoing reasons, it is ordered that Plaintiff's motion for an extension to file a second amended complaint (ECF No. 15) is granted. If Plaintiff chooses to file a

1 second amended complaint, Plaintiff will file the second amended complaint on or before
2 April 28, 2023.

3 It is further ordered that the Clerk of the Court will send to Plaintiff a copy of the
4 approved form for filing a § 1983 complaint, instructions for the same, the Court's
5 screening order (ECF No. 13), and a copy of Plaintiff's first amended complaint (ECF No.
6 14). If Plaintiff chooses to file a second amended complaint, he should use the approved
7 form and he will write the words "Second Amended" above the words "Civil Rights
8 Complaint" in the caption.

9 It is further ordered that pursuant to the Court previous screening order, if Plaintiff
10 chooses not to file a second amended complaint, this action will proceed immediately on
11 Plaintiff's excessive force claim against Defendants Mainwaring, Harroun, Martin, and
12 Baras only.

13
14 DATED THIS 7th day of March 2023.

15 

16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28